



City of Seattle
Office of the Mayor

May 31, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill authorizing the Director of the City Budget Office to execute contracts with two defender agencies to provide indigent public defense services in Seattle Municipal Court for a period of three years starting July 1, 2011. The existing contracts expire June 30, 2011.

In February 2011, the City Budget Office (CBO) released a request for proposals (RFP). Four agencies submitted responses to the RFP for the primary and secondary contracts. No responses were received for the contract for the third agency. The responses for the primary and secondary agencies were reviewed and evaluated by the RFP Review Panel as called for in Ordinance 122602. The Panel considered the proposals and recommends awarding the contract for the primary agency to the Associated Counsel for the Accused (ACA) and the contract for the secondary agency to Northwest Defenders Association (NDA).

In addition to authorizing the execution of the public defense contracts, the proposed Council Bill also makes three changes to Ordinance 122602. Ordinance 122602 states that the Director of Executive Administration shall select providers for indigent public defense services and negotiate and execute contracts with these providers. The proposed Council Bill moves this authority to the Executive and allows the Executive to delegate this function. The proposed Council Bill also clarifies that the administrator for these contracts is the Public Defense Contract Administrator in the City Budget Office. Finally, the proposed Council Bill changes the requirement for a minimum of three providers to a minimum of two providers. The proposed language now reads that a third provider contract may be authorized but is not required.

In accordance with state law, each contract was reviewed by Foster Pepper, the City's outside counsel. Review by outside counsel is appropriate in order for the City to avoid any potential or perceived conflict of interest that might result from a review by the City's Law Department as set forth in RCW 10.101.040.

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Approval of the contracts with ACA and NDA will ensure that any qualifying person, regardless of ability to pay, will continue to have the availability of legal representation in order to secure equal justice under the law. Thank you for your consideration of this legislation. Should you have questions, please contact Linda Taylor-Manning at 206-684-8376.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council
Beth Goldberg, Director, City Budget Office
Steve DiJulio, Foster Pepper, PLLC